

October 21, 2009

MINUTES OF A MEETING OF THE TORRANCE ETHICS AND INTEGRITY COMMITTEE

CALL TO ORDER

The Torrance Ethics and Integrity Committee convened in a regular session at 6:33 p.m. on Wednesday, October 21, 2009, in the Human Resources Training Room, 3231 Torrance Boulevard.

ROLL CALL

Present: Committee Members Gallagher, Montoya, and
Chairman Payne.

Absent: Committee Member Gotshall.

Also Present: Staff Liaison to the Committee Lohnes, Deputy City Attorney
Strader, Human Resources Analyst Hoang and Management
Aide Elmore.

FLAG SALUTE

Mr. Len Wood led the Pledge of Allegiance.

ORAL COMMUNICATIONS #1

a. Staff Liaison to the Committee Lohnes related that Committee Member Gotshall's request for an excused absence from this meeting due to illness will be placed on the agenda for the next meeting.

b. Staff Liaison to the Committee Lohnes introduced Management Aide Jered Elmore, who will provide additional staff support to the Commission.

1. Report of Staff on Posting of the Agenda

Staff Liaison to the Committee Lohnes presented an affidavit confirming the posting of the agenda for this meeting.

2. Approval of Minutes, August 26, 2009

Regarding Page 9, Paragraph 2, of the Ethics and Integrity Committee minutes of August 26, 2009, Chairman Payne clarified his remarks that, when a member of the public comes to the Ethics and Integrity Committee meetings and raises an issue of ethics regarding an individual in the City's employ or elected official, he would ask them

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not to give any details or release the name of the person and would refer them to the Deputy City Attorney present at the meeting (which is why he said "she"). He said that he can live with the minutes as written, in that they are close enough to what he said. (The minutes of August 26, 2009 were amended at the meeting on September 23, 2009.)

Deputy City Attorney Strader explained that her role is to advise the Committee and staff; that, generally, she does not give advice to the public; and that Staff Liaison to the Committee Lohnes would be the person to whom individuals with complaints should be referred.

Staff Liaison Lohnes explained that, should the Committee desire, staff could develop a protocol for complaints made by the public at the Ethics and Integrity Committee meetings.

MOTION: Committee Member Montoya moved to approve the Ethics and Integrity Committee minutes of August 26, 2009 (as amended at the last meeting). The motion was seconded by Member Gallagher and passed by unanimous roll call vote, absent Member Gotshall:

Ayes:	Gallagher, Montoya, and Chairman Payne.
Noes:	None.
Abstain:	None.
Absent:	Gotshall.

3. **Approval of Minutes, September 23, 2009**

With regard to Page 5, Paragraph 9, of the September 23, 2009 Ethics and Integrity Committee minutes, Committee Member Montoya related his feeling that Member Gotshall was referring to a "...previous election," not "...the previous election..."

Chairman Payne pointed out that Staff Liaison to the Committee Lohnes' summary on Page 9, Paragraph 1, did not include his recommendation on Page 7, Paragraph 8, "...that new employees be required to attend ethics and integrity training as soon as possible after they are hired."

Staff Liaison Lohnes advised that Page 9, Paragraph 1, accurately reflects the summary she provided. However, this could be added to the record.

Chairman Payne supported adding this to the record.

Chairman Payne modified Page 11, No. 6, as follows: "...conference that she and Chairman Payne attended to the Committee members."

MOTION: Committee Member Gallagher moved to approve the Ethics and Integrity Committee minutes of September 23, 2009 as amended. The motion was

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seconded by Chairman Payne and passed by unanimous roll call vote, absent Member Gotshall:

Ayes: Gallagher, Montoya, and Chairman Payne.
Noes: None.
Abstain: None.
Absent: Gotshall.

4. **Ethics Training Provided by Torrance University**

Human Resources Analyst Hoang clarified that there is currently funding for ethics training to be provided to the City's approximately 1400 employees; that the first Torrance University class will graduate in the near future; and that ethics training for all full-time employees should be completed by the end of 2012.

Beginning at 6:50 p.m., Torrance University Instructor Desiree Saddler presented the first portion of Torrance University's ethics training, in which the Committee Members present participated until 8:05 p.m.

Following the ethics training, Committee discussion included the apparently long amount of time it will take for all full-time City employees to complete the training. The idea of a separate ethics program was entertained in order to reach all employees in a timelier manner. The Committee also discussed offering refresher, training-the-trainer and computer-based courses and recommended examining the ethics resources available in Torrance libraries.

Human Resources Analyst Hoang advised against a separate ethics program, in that ethics is a very emotional, intimate subject and, to help employees feel more comfortable, gain their trust, etc., ethics is the 5th class taught. He explained that the idea of a keynote speaker offering ethics training to approximately 500 employees at one time has been considered to help expedite the process; but, it is much more difficult to engage participants with such a large group.

Member Gallagher suggested that the CORE training be less generic and geared more to the City of Torrance.

In order to comply with the Brown Act, Deputy City Attorney Strader cautioned against discussion of the specifics of the Program because the agenda item only included the Torrance University training.

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RECESS AND RECONVENE

At 8:15 p.m., there was a recess until 8:25 p.m., when discussion continued in regular agenda order with all Committee Members present (absent Member Gotshall).

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5. Discussion of Priorities and Work Plan Development to Include Remarks by Len Wood of Len Wood and Associates

Mr. Len Wood, Len Wood and Associates, apologized for his absence from the last meeting. He outlined the goals of his “Ethics and Integrity Committee Proposal” to clarify the Committee’s role (including “stakeholder” interviews) and develop a work plan. Mr. Wood explained the approach he would use in accomplishing these tasks and his role in this process.

During Committee discussion, Mr. Wood verified that, in addition to a 12-month work plan, a longer plan could be developed; that the Committee will determine the stakeholders and the ideas for the work plan; that his role is to focus on the process and help the Committee move forward; and that team building will be tied into the process. He shared general information about his company and anticipated that he would be involved in this process for approximately six months.

In hopes of coming to a better agreement on what it means, Chairman Payne called attention to the importance of discussing the ordinance that established the Ethics and Integrity Committee.

Committee Member Gallagher commented on the importance of continuity in coordinating the various components of the Ethics and Integrity Program and determining the current funding for the Program. He related his understanding that Mr. Wood would serve only as a facilitator, not an ethics expert, and that Mr. Wood’s assistance would precede the development of a request for proposal for an ethics expert to help with the Program. Mr. Gallagher noted that the ethics expert would have the benefit of the information obtained by Mr. Wood during the various stakeholder interviews and that the lack of authority has stymied the Committee from finding out what people really want.

Mr. Wood clarified his role to facilitate and the Committee’s role to make policies/decisions. He advised against members of the Committee attending stakeholder interviews; confirmed that his notes from the interviews would not be provided to the Committee; and stated his intent to bring forward consensus documents for the work plan and the clarification of roles.

Member Montoya expressed concerns that ethics training doesn’t appear to be a priority because it could take years to receive and that the Committee does not have the opportunity to engage with the City Council.

Member Gallagher commented on the Committee’s passive charge in that the ordinance does not give the Committee authority to do anything other than reach out to the City, raise questions and ask staff to obtain information. He expressed concern that, while Mr. Wood’s credentials are extraordinary, he does not have expertise in ethics and that there would be no continuity in the transition from Mr. Wood as a

facilitator to an ethics expert. But, he said he could overcome his concerns based on Mr. Wood's description of his role in this process.

Mr. Wood indicated that frustration is not unusual in this type of organization and that the Brown Act is a very specific part of ethics.

Chairman Payne agreed that the Committee is somewhat stymied because of the ordinance and that they need help interpreting it. He observed that the Mayor would be the only elected official interviewed according to Mr. Wood's proposal and voiced concern about the transition from Mr. Wood as a facilitator to an ethics expert. However, Chairman Payne said he is encouraged that the Committee will hold some open work plan meetings having more of a general agenda.

Mr. Wood highlighted the importance of a work plan and clarification of roles in order to be effective. He indicated that, should the Committee desire, all Councilmembers could be interviewed.

Staff Liaison Lohnes noted the importance of developing a work plan that contains priorities, including an ethics expert as a top priority.

Deputy City Attorney Strader advised that a joint meeting of the Committee and the Council could be held to discuss issues and attempt to elicit desired feedback.

The Committee agreed to the idea of holding a joint meeting with the Council as described above by Deputy City Attorney Strader.

Staff Liaison Lohnes provided input on the options before the Committee to accept Mr. Wood's proposal; deny Mr. Wood's proposal; or accept Mr. Wood's proposal with modifications.

MOTION: Chairman Payne moved to accept the proposal outlined during the meeting by Mr. Wood, with a modification to include three work sessions (instead of two) if needed. The motion was seconded by Member Gallagher and passed by unanimous voice vote, absent member Gotshall.

After the motion, Mr. Wood verified that he and the City will enter into a contract and that, if necessary, three work sessions will be held.

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Mr. Wood departed the meeting at 9:10 pm.

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ORAL COMMUNICATIONS #2

a. Member Gallagher read aloud questions (distributed at the meeting) he suggested be addressed by staff or considered at future meetings in order to compile a more meaningful Ethics and Integrity Program. He noted that some of the questions

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could be addressed by Mr. Wood and emphasized the importance of asking the questions correctly to obtain the desired information.

Member Montoya agreed that many of Member Gallagher's questions could be posed to the stakeholders during their interviews with Mr. Wood. He suggested that a future meeting agenda include discussion of key issues and a few basic, critical questions.

Commending the questions posed by Member Gallagher, Chairman Payne related his feeling that the stakeholders would not have the answers. He asked that Mr. Wood provide a timeline, including the date of the first work plan meeting, and that this topic be placed on a future meeting agenda.

Staff Liaison to the Committee Lohnes confirmed that staff will obtain answers to Mr. Gallagher's questions and report back to the Committee and that discussion of Mr. Wood's timeline etc. will be placed on a future meeting agenda.

Deputy City Attorney Strader cautioned against discussion of items not on the meeting agenda.

b. Staff Liaison to the Committee Lohnes apprised the Committee that, on November 2, 2009, the Council is scheduled to select a replacement for Committee Member White, who resigned.

Management Aide Elmore offered information on the procedures for replacing commissioners who resign.

c. Staff Liaison to the Committee Lohnes reported that the Commissioners chosen to attend Brown Act training could not attend. Having attended the training, Ms. Lohnes distributed a "Report on Brown Act Education Forum Hosted by the County Prosecutors' Association" (dated October 21, 2009), intended to provide an introduction to the training, not replace it.

d. In response to a request from Member Gallagher at a previous meeting, staff Liaison to the Committee Lohnes distributed a memorandum entitled "Code of Ethics: Fire and Police," dated October 21, 2009.

e. Staff Liaison to the Committee Lohnes noted that the Council's ad hoc Commission Review Committee, formed to study the possibility of consolidating commissions and make suggestions for better commission practices, will hold a public meeting on November 16, 2009, 7:00 p.m., in Council Chambers.

Member Montoya related his understanding that the Commission Review Committee was established to review commissions, not committees.

Staff Liaison Lohnes verified the purpose of the Commission Review Committee to study consolidating or eliminating commissions, not committees.

Member Gallagher voiced his appreciation of staff's efforts to keep the Committee informed of things happening in Torrance that might affect the Committee. He thanked staff for exercising patience in dealing with the Committee.

f. Member Gallagher asked if the Brown Act prohibits the Committee members from contacting Mr. Wood.

Staff Liaison to the Committee Lohnes affirmed that staff will report back to the Commission with this information, along with a timeline for the process involving Mr. Wood and how he envisions it working.

g. Chairman Payne announced that he will be out of the country from October 25, 2009 to November 16, 2009.

h. Member Gallagher advised that he will be out of town from October 24, 2009 until approximately November 8, 2009.

ADJOURNMENT

At 9:35 p.m., the meeting was adjourned to Wednesday, November 18, 2009, 6:30 p.m.

Approved as Submitted November 18, 2009 s/ Sue Herbers, City Clerk
